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Ramapo Hunt & Polo Club Association, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RAMAPOUGH MOUNTAIN INDIANS
INC., and RAMAPOUGH LENAPE
NATION,

Plaintiffs,

v.

TOWNSHIP OF MAHWAH, RAMAPO
HUNT & POLO CLUB ASSOCIATION,
INC., GERALDINE ENTRUP, THOMAS
MULVEY, JOHN and JANE DOES 1
THROUGH 14, JOHN DOE ENTITIES 1
AND 2,

Defendants.

Civil Action No. 2:18-cv-09228-CCC-JBC

Document Electronically Filed

Motion Date: February 19, 2019

Before: Hon. Claire C. Cecchi, U.S.D.J.

**DECLARATION OF MARTIN R.
KAFAFIAN, ESQ.**

I, Martin R. Kafafian, Esq., of full age, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and associated with the law firm Beattie Padovano, LLC, attorneys for defendant Ramapo Hunt & Polo Club Association, Inc. ("HOA") in the above-captioned matter. I submit this Declaration in opposition to Plaintiffs' Motion for Leave to Amend the Complaint under the Federal Rules of Civil Procedure, Rule 15.

2. On January 10, 2019, at approximately 1:30 p.m., I attended a proceeding in the action *State of New Jersey v. Ramapough Mountain Indians, Inc.*, Docket No. BMA 001-18-02 (New Jersey Superior Court, Law Division: Bergen County).

3. That proceeding was held in the Bergen County Courthouse, 10 Main Street, Hackensack, New Jersey, in the courtroom (Room 312) of the Hon. Keith A. Bachmann, J.S.C.

4. During that proceeding, Judge Bachmann advised the parties of his decision on the trial *de novo* of 103 convictions meted out against RMI by Municipal Court Judge Roy McGeady.

5. Judge Bachmann advised that he was upholding 102 of the 103 convictions and reducing the fine imposed by Judge McGeady by about one half.

6. A copy of Judge Bachmann's decision is annexed as Exhibit O to the Declaration of Arthur N. Chagaris, Esq., dated January 23, 2019.

7. Joseph DeMarco, Esq., appeared via telephone for the Township of Mahwah. Valeria Gheorghiu, Esq., appeared in person on behalf of defendant Ramapough Mountain Indians, Inc. ("RMI").

8. Attorney Gheorghiu is also counsel of record in this case, having signed the Complaint.

9. After Judge Bachmann advised the parties of his decision, Attorney Gheorghui advised that her client would be appealing the decision to the Appellate Division and asked that Judge Bachmann stay enforcement of the fines pending resolution of the appeal.

10. Attorney Gheorghiu further advised that RMI's appeal would be based on arguments that RMI should have been acquitted under their RLUIPA and constitutional defenses, particularly as it relates to the practice of their religion on the RMI property.

11. Judge Bachmann denied Attorney Gheorghiu's request to stay enforcement of the fines.

12. I declare under penalty of perjury, that the foregoing is true and correct.

January 23, 2019



Martin R. Kafafian